

REMARKS

Claims 33-53 have been rejected. Claims 33-53 are pending. Claims 36, 39, 46, and 50-53 have been canceled. Claims 33-35, 37-38, 40-45, and 47-49 have been amended. Claims 54-57 are new. Support for the amended claims and new claims derives from the specification and claims as originally filed. Support can be found for example on page 56 lines 10-11, page 87 lines 26-27, page 3 lines 13-15 and Fig. 1H, page 12 lines 19-21, page 15 lines 12-15, and page 10-11 and Fig. 71-73.

With respect to all amendments and cancelled claims, Applicant has not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicant reserves the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Rejection under 35 U.S.C. § 102

Claims 33-53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wohlstadter, U.S. Patent No. 6,207,369 (hereinafter the “’369 patent”). Applicant respectfully traverses the rejection. Under M.P.E.P. § 2131, a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co., of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,1053 (Fed. Cir. 1987).

1. Claim 33 is not anticipated by the ‘369 patent because it does not disclose a thermocontroller.

As currently amended, claim 33 and those claims depending therefrom require “a thermocontroller configured to independently thermally control one of said plurality of said sets.” The Examiner asserts that the ‘369 patent “includes a plurality of heaters for each chip. Applicant is directed to see . . . col.46, lines 42-59.” Page 2 of the Office Action. Applicant respectfully disagrees. The ‘369 patent discloses the

apparatus can further comprise temperature control means for maintaining the temperature of the support and/or cassette, or the environment thereon and adjusting the temperature as needed to optimize ECL reaction conditions. Temperature control means are preferably heating and cooling means, e.g., electrical resistive heating elements, cooling fans, refrigeration means, and any other suitable source of heating or cooling.

Temperature control means also includes temperature sensors, e.g., a thermostat or thermocouple device, and means to turn the heating or cooling means on or off in response to detected temperature changes.

Col. 46 lines 42-53.

This does not amount to the disclosure of a “thermocontroller configured to independently thermally control one of said plurality of said sets” as required by claim 33.

2. The claims are not anticipated by the ‘369 patent because it does not disclose sets.

As currently amended, the claims require “a plurality of sets of stations.” The ‘369 patent fails to disclose this requirement. Fig. 2 of the ‘369 patent discloses “two supports forming a cassette . . . wherein a plurality of binding domains 30 on support 26 are adjacent to each of single elements 32 so that approximating supports 26 and 28 places each of counterelectrodes 38 adjacent to each of binding domains 30.” See Col. 7 line 66 through Col. 8 line 4. In addition, the reference discloses that the apparatus may provide “means to hold, move and manipulate one or more supports or cassettes” (Col. 46 lines 54-55). This does not amount to a disclosure of required “plurality of sets of stations” in the claims.

As the ‘369 patent fails to disclose all the elements of present claims, it cannot anticipate such claims. Applicant respectfully requests the withdrawal of this rejection.

Applicant respectfully submits that the claims are now in condition for allowance and early notification to that effect is respectfully requested. If the Examiner feels there are further unresolved issues, the Examiner is respectfully requested to phone the undersigned at (415) 781-1989.

Respectfully submitted,
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Filed under 37 C.F.R. § 1.34